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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1958.

No. 133

R. B. JAMES, and PATRICK ZURLA, individuals and Co-partners, trading as CHICAGO BOARD CO.,
Petitioners,

vs.

FEDERAL TRADE COMMISSION,
Respondent.

PETITION FOR REHEARING.

THOMAS J. PEARSON,
927 15th Street N.W.,
Washington, D.C.,
Attorney for Petitioners.

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Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

To the Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States:

Come now the above named petitioners and respectfully petition the Court for a rehearing hereof for the following reasons.

PETITION FOR REHEARING.

This petition is based upon the ground that the opinion in the Court below is contrary to and in conflict with this Court's holding in the case of *U. S.* v. *Halseth*, 342 U.S. 277.

Petitioners in their brief herein in support of their petition for a writ of certiorari and in their reply brief herein relied primarily on the point that the decision in the United States Court of Appeals in the Seventh Circuit herein is in direct conflict with this Court's holding in the case of *F. T. C.* v. *Bunte Brothers,* 312 U. S. 349.

Petitioners now as a basis for the granting of the writ of certiorari present the following grounds which is available to them and which was not presented heretofore because of petitioners' faith in the correctness of their other contention.

The Court below predicated its opinion on the following quotation; from the opinion:

> "Overlooking, when not denying, Congressionally authorized Commission functions and aims, these petitioners, in substance, claim an unrestricted right to use interstate commerce channels for flooding the states with punch-boards. Because petitioners themselves do not participate in the ultimate sales of punches over store counters to individual consumers within a state, petitioners ask for immunization from §5(a)(1). To describe their position posits the refutation of it. *Federal Trade Commission* v. *Winsted Hosiery Co.,* 258 U. S. 483 (1922)."

This Court in the case of *U. S.* v. *Halseth,* 342 U.S. 277 held that the interstate shipment of punchboards is not prohibited. Congress has never felt that the interstate shipment of punchboards should be restricted.

CONCLUSION.

Wherefore, petitioners respectfully request that this Court grant their petition, require by certiorari that the cause be certified to it for review of the judgment of said Circuit Court of Appeals, hear, consider, and determine the questions presented and reverse the judgment and order of said Court insofar as that judgment, and the holdings of the Court, are adverse to the petitioners' contentions.

Respectfully submitted,

THOMAS J. PEARSON
Attorney for Petitioners

CERTIFICATE.

Comes now the undersigned, the attorney for the petitioners herein, and hereby certifies that this Petition is presented in good faith and is not interposed for delay and further certifies that this Petition is restricted to a ground available to the petitioners although not previously presented.

THOMAS J. PEARSON